

Remarks / Arguments:

Claims 1-14 are pending and stand rejected. In this Response, claims 1, 5 and 14 are amended, claims 3, 8 and 10-13 are cancelled and claims 15 and 16 are added. No new matter is introduced by these amendments. Accordingly, claims 1-2, 4-7, 9 and 14-16 are presented for reconsideration.

Rejections Under 35 U.S.C. § 112

Claims 5 and 11-13 are rejected as being indefinite. The rejection of claims 11-13 is moot in view of their cancellation and claim 5 has been amended to overcome the rejection. Applicant respectfully requests, therefore, that the rejection of claim 5 be withdrawn.

Rejections Under 35 U.S.C. § 102

The Office Action sets forth at page 3 "Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Veylupek (US Patent No. 5,755,044)." The rejection of claims 3, 8 and 10 is moot in view of the cancellation of these claims. Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicant's invention as recited in claim 1 includes features not disclosed nor suggested by Veylupek, namely:

... the laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that, between two consecutive lacing eyes of the same edge through which a first of the laces extends, there is at least one lacing eye of the same edge through which a second of the laces extends and the ends of both of the laces converge on both of the edges of the opening, with at least one end of each lace extending through a respective end lacing eye of the fastening provided on each of the first and second edges. (Emphasis added)

These features are disclosed in applicant's specification, for example, at page 3, line 24 - page 4, line 2 and Figures 1-4.

Veylupek is relied upon as "[disclosing] footwear with an opening having a first and second edge, and a plurality of lacing eyes... . Two laces...extend through the lacing eyes and converge at the edges of the opening. The ends of each of the laces extends through an end lacing eye...on the edges of the opening..." Veylupek fails to disclose or suggest, however, that the laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that, between two consecutive

lacing eyes of the same edge through which a first of the laces extends, there is at least one lacing eye of the same edge through which a second of the laces extends .

On the contrary, in Veylupek, since the first (the second) strand is led through all the lacing eyes of the feature, it is not possible that between two consecutive lacing eyes of the same edge through which the first (the second) strand extends, there is at least one lacing eye of the same edge through which the second (the first) strand extends.

As clearly pointed out in the present application, "*for a given "closeness" of the lacing eyes, a smaller angle is formed where the lace extends into and out of the respective lacing eye, resulting in less friction between the laces 20, 21 and the lacing eyes*" (see page 4, lines 8-11 of applicants' specification). By arranging the lacing eyes sufficiently close to one another, the advantage of a homogeneous closure for the foot along the entire extent of the edges of the access opening can be achieved.

In accordance with applicant's' claimed invention, this advantage can be achieved without increasing the friction between the laces and the lacing eyes, i.e. allowing to fasten and to unfasten the laces comfortably, simply by exerting a pull on the end of said laces.

Accordingly, because Veylupek fails to disclose each and every feature of claim 1, the rejection of claim 1 under 35 U.S.C §102(b) should be withdrawn and the claim allowed.

Claims 2, 4 and 9 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

The Office Action sets forth at page 4 "Claims 5-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veylupek...in view of Silagy (US Patent No. 6,502,329)." The rejection of claims 11-13 is moot in view of the cancellation of these claims.

The Office Action readily admits that Veylupek does not disclose locking the laces on the ends of each pair of laces, but relies Silagy as "[teaching] providing a constricting type means for locking the ends of laces together...near the end lacing eyes..." Silagy fails to make up for the deficiencies, however, discussed above with respect to Veylupek. Accordingly, because claims 5-7 and 14 depend upon allowable claim 1, applicant respectfully submits that claims 5-7 and 14 are likewise allowable. Withdrawal of the rejection and allowance of the claims is respectfully requested.

The Office Action sets forth at page 5 "Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freed (US Patent Application No.

2003/0051374)." The rejection of claim 3 is moot in view of the cancellation of this claim. Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

According to Freed, both ends of both laces converge on the same edge of the footwear opening.

On the contrary, according to applicant's claimed invention "the ends of both of the laces converge on both of the edges of the opening, with at least one end of each lace extending through a respective end lacing eye of the fastening provided on each of the first and second edges."

This feature has an advantage in that it helps in obtaining a homogeneous closure for the foot along the entire extent of the edges of the access opening. This feature is neither disclosed nor suggested in Freed, which, on the contrary, teaches using a lacing system wherein the ends of the laces all converge to a movable fastener provided at one edge of the footwear opening.

As already pointed out in the specification of the present application (see, for example, page 2, lines 5-14) this leads to a non-homogeneous lacing tension. As a consequence, it would not be possible to achieve the object set forth in the present application by starting from Freed's teachings.

Accordingly, applicant respectfully submits that the rejection of claim 1 as being unpatentable over Freed should be withdrawn and the claim allowed.

Claim 4 depends upon claim 1 and, thus, is likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

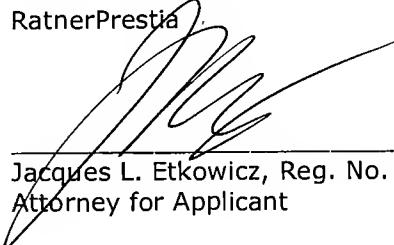
The Office Action sets forth at page 6 "Claims 2 and 5-14 are rejected under U.S.C. 35 103(a) as being unpatentable over Freed...in view of Silagy..." The rejection of claims 8 and 10-13 is moot in view of the cancellation of these claims.

As discussed above, Freed does not render claim 1 unpatentable. Further, Silagy does not make up for the deficiencies of Freed. Accordingly, at least because claims 2, 5-7, 9 and 14 depend upon claim 1 these claims are likewise not subject to rejection of being unpatentable over Freed in view of Silagy for at least the reasons set forth above with respect to claim 1.

In view of the amendments and remarks set forth above, applicant submits that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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